

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**BANKMANAGERS CORPORATION,
and PARK BANK,**

Plaintiffs,

-vs-

**Case No. 11-C-871
(USCA No. 12-3202)**

**FEDERAL INSURANCE COMPANY,
and KOSS CORPORATION,**

Defendants.

DECISION AND ORDER

The Plaintiffs, Bankmanagers Corporation and its subsidiary, Park Bank (collectively the “Plaintiffs”), and the Defendant, Federal Insurance Company (“Federal”) have filed a joint motion (ECF No. 44). Their motion requests that the Court certify to the Court of Appeals for the Seventh Circuit, pursuant to Circuit Rule 57, that the Court wishes to correct the September 12, 2012, Judgment (ECF No. 34) entered in this matter to precisely track the relief granted in its September 12, 2012, Decision and Order (ECF No. 33) and that it would be inclined to grant a motion filed by the parties pursuant to Rule 60(a) of the Federal Rules of Civil Procedure.

Circuit Rule 57 provides:

A party who during the pendency of an appeal has filed a motion under Fed. R. Civ. P. 60(a) or 60(b), Fed. R. Crim. P. 35(b), or any other rule that permits the modification of a final judgment, should request the district court to indicate whether

it is inclined to grant the motion. If the district court so indicates, this court will remand the case for the purpose of modifying the judgment. Any party dissatisfied with the judgment as modified must file a fresh notice of appeal.

Seventh Cir. Rule 57.

Correction of a judgment after an appeal has been docketed involves four steps, with the first two steps commencing in the district court:

Circuit Rule 57 entails four steps: first, the party seeking relief must ask the district court to initiate its procedures; second, the district judge must agree and indicate to this court that it is inclined to grant the Rule 60 motion; third, the party that filed the Rule 60 motion must ask this court to remand; finally, this court must remand the case for the purpose of modifying the judgment.

Phillips v. United States, 668 F.3d 433, 436 (7th Cir. 2012). The present motion involves the first two steps required by Circuit Rule 57.

Having reviewed the parties' motion, the September 12, 2012, Decision and Order, and Judgment, the motion (ECF No. 44) is **GRANTED**. This Court **CERTIFIES** pursuant to Circuit Rule 57 that it wants to correct the September 12, 2012, Judgment to be entirely consistent with the contemporaneous Decision and Order, and would be inclined to grant the parties' proposed Rule 60(b) motion. As corrected the Judgment would read:

IT IS ORDERED AND ADJUDGED that Federal Insurance Company's motion to dismiss Koss Corporation from this action is GRANTED.

Judgment is entered in favor of the defendant Federal Insurance Company, and against the plaintiffs Bankmanagers Corporation

and Park Bank, dismissing their complaint and all claims against Federal Insurance Company.

This action is hereby DISMISSED.

Dated at Milwaukee, Wisconsin, this 4th day of March, 2013.

BY THE COURT:



HON. RUDOLPH T. RANDA
U.S. District Judge